

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Albert C. Burgess, Jr.,

Civ. No. 22-2363 (PAM/LIB)

Petitioner,

v.

**MEMORANDUM AND ORDER**

Warden of Rochester FMC,

Respondent.

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This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Leo I. Brisbois dated June 12, 2023. (Docket No. 14.) The R&R recommends that Petitioner Albert C. Burgess, Jr.’s Petition for a Writ of Habeas Corpus be denied and this matter dismissed without prejudice. Burgess did not file any objections to the R&R and the time to do so has passed. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 14) is **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus (Docket No. 1) is **DENIED**; and

3. This matter is **DISMISSED** without prejudice.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: July 12, 2023

*s/Paul A. Magnuson*

Paul A. Magnuson  
United States District Court Judge